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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 HIMC CORPORATION, a Washington
9 corporation,

10 Plaintiff,

11 v.

12 PREM RAMCHANDANI and Jane Doe
13 Ramchandani; SHAI BAR LAVI and ANNA
14 SACHS BAR-LAVI; AVI SIVAN and Jane
15 Doe Sivan; AVRAHAM OVAIDIA and Jane
16 Doe Ovaidia; and FIDELITY TRANSFER
17 CO., a Nevada corporation,

18 Defendants.

Case No. C07-5342FDB

ORDER GRANTING MOTION FOR
RECONSIDERATION RE JANUARY
27, 2009 ORDER DENYING
MOTION FOR CONTEMPT and
SUSPENDING THAT DECISION
UNTIL NINTH CIRCUIT ACTS ON
PENDING MOTION

19 HIMC Corporation moves to revise the Court's Order Denying Plaintiff's Motion for
20 Contempt (Dkt. # 123) pending action of the Ninth Circuit Court of Appeals on the Individual
21 Defendants' Motion for Stay filed in that court. HIMC asks that this Court to "suspend" rather than
22 "deny" the motion for contempt pending the Ninth Circuit's action, which would make it easier,
23 procedurally, than having to file a new motion.

24 The Ninth Circuit, noting that the order challenged on appeal did not dispose of the entire
25 case, requested that appellants (Individual Defendants) either move for voluntary dismissal of their
26 appeal or show cause why it should not be dismissed for lack of jurisdiction.

If the present appeal is dismissed, the matter will be back in this court for complete
adjudication. The Court's Order entered November 25, 2008 would be in force and require return of

1 the subject securities. Once this case is completely adjudicated, Individual Defendants would be
2 subject to HIMC reasserting its motion for sanctions if the stock certificates are not returned, unless
3 there is an appeal and a motion for stay in the Ninth Circuit Court of Appeals.

4 ACCORDINGLY, IT IS ORDERED: Plaintiff HIMC's Motion for Reconsideration or
5 revision of January 27, 2009 Order Denying Motion for Contempt [Dkt. # 125] is GRANTED, and
6 HIMC's Motion for Sanctions re Surrender of Securities [Dkt. # 117] is SUSPENDED pending
7 action by the Ninth Circuit on the pending motion for a stay.

8 DATED this 12th day of February, 2009.

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11 FRANKLIN D. BURGESS
12 UNITED STATES DISTRICT JUDGE
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